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ABSTRACT

Designed for fifth and sixth grade students in Boulder County (Colorado) schools, this manual provides objectives and activities and lists resources for legal education. The fifth grade unit focuses on awareness of rights and responsibilities through a study of the Bill of Rights, Title IX, citizenship responsibilities, and the juvenile justice system. Activities include analyzing cartoons related to rights, studying Title IX cases, reading short stories, and viewing films. Materials supplied for the unit include exercises on changing rights in action, a changing rights questionnaire, a student guide to Title IX, a case study, and a summary of the regulations for Title IX education amendments of 1972. Sixth grade activities focus on dilemmas in decision making and understanding the juvenile justice system. Activities include making judgments about the seriousness of acts of vandalism, viewing films, debating whether there should be different justice systems for juveniles and adults, and visiting a courtroom. Materials included for the unit are a survey in which students rate the degree of seriousness of specific acts of vandalism, a worksheet for thoughts about stealing, and a case study. A list of resources is provided for both grade levels. (KC)

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A LAW-RELATED EDUCATION RESOURCE PROGRAM for BOULDER COUNTY SCHOOLS GRADES 5 and 6

SO 013 272

FALL, 1980 2

Prepared by SAFEGUARD - Gayle Mertz, Director
Boulder County District Attorney's Office

ALEX HUNTER, DISTRICT ATTORNEY • P.O BOX 471 • BOULDER, COLORADO 80306 • (303) 441-3700

M E M O R A N D U M

To: Fifth and Sixth Grade Teachers
From: Gayle Mertz, Director
Re: Safeguard Law-Related Education Program

Safeguard is a law-related education program operating in both St. Vrain and Boulder Valley school system. Our objective is to assist in preparing students for responsible citizenship by emphasizing the concepts, skills, and values of the American legal system.

Focus in the fifth grade is on the awareness of rights and responsibilities through study of the Bill of Rights and Title IX. Shoplifting situations show what happens when students are involved in breaking the law.

Sixth grade units are planned to help the students deal with peer pressure and the dilemmas young adolescents face. Learning about the juvenile justice system and how the courts operate are other content areas.

Call 441-3730, Boulder; or 772-0331, Longmont; whenever we can assist you.

ALEX HUNTER, DISTRICT ATTORNEY • P.O BOX 471 • BOULDER, COLORADO 80306 • (303) 441-3700

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St. Vrain Schools
Learning Outcomes

Grade 5

Differentiating between state and national judicial systems.

Focusing on the relationship between home and school rules and laws made by state and national governments.

Building vocabulary of law related terms.

Developing skills in group process by working together on problem solving.

Becoming aware of community issues by reading the newspaper and discussing events.

Boulder Valley Schools
Learning Outcomes

Grade 5

Acquire concepts related to the organization and function of the - judicial branches of government at the state and national levels.

Analyze the U.S. Constitution and its application to political and legal decisions made after the Civil War.

Identify and interpret the rights and freedoms of persons living in the United States and suggest ways in which one can act in support of rights and freedoms for all people.

Interpret and practice rights, freedoms, and responsibilities in the context of home, school, and community activities.

Work with others to make decisions, involving values, which affect school or community life.

FIFTH GRADE

BASIC CONCEPT: RESPONSIBILITY

AUTHORITY

Grade 5

MAJOR FOCUS The Law: Rights and Responsibilities

CONCEPT: Learning about the Bill of Rights

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
1. What are the rights listed in the Bill of Rights?	Have students brainstorm about the rights they know. List on board. Read aloud in original. Discuss with students what these rights mean. The level of understanding and length of time spent on concepts should be determined by teacher.	See p. 21 An excellent reference is Our Constitution and What It Means by William Kottmeyer 5th Ed. (McGraw-Hill, 1975)
2. Understanding the Bill of Rights.	Use Changing Rights in Action. Use as a reinforcement of what rights students know. Involve your class in the three exercises suggested. Have students monitor the newspapers for reference to "rights", i.e. "she took the 5th." Look at the front page of today's paper. Cross out all articles you think would not be allowed in the paper if we had government censorship. Why did you choose these particular articles? and/or...Clip from the paper one editorial cartoon or comic that is an example of a a basic right or freedom. Have class analyze the cartoon, clarifying the main point.	See p. 23 "Changing Rights in Action" reprint. See p 25 Also refer to "teaching dilemmas" , p. 157 Teacher's Manual.

Grade 5

MAJOR FOCUS The Law: Rights and Responsibilities

CONCEPT: Understanding student rights and responsibilities through Title IX.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
3. Do students have rights?	Use "What's Your RQ".	See p.32, "A Student Guide to Title IX".
	In depth activity: Study the specific case of John and Mary Beth Tinker. (Explanation on p. 36-37)	See BV Schools Booklet, "Sex Equality in Education" (1978). This booklet includes the PEER summary of Title IX Education Amendment of 1972*. (Available in most Boulder schools media centers.) * See p. 39.
4. What does responsibility mean? What kinds of responsibilities can students assume in the school environment?	Define term -- Use brainstorming (p. 9 Teacher's Manual) to reach definition students can understand.	See p. 35 "Your fundamental responsibility" from "Student's Guide to Title IX".
	Have students write paragraph or create cartoon on meaning of responsibility.	An excellent source of materials/films is the Institute for Equality in Education; call 629-2786 (1050 9th St., Denver, CO 80202).

Grade 5

MAJOR FOCUS The Law: Rights and Responsibilities

CONCEPT: Becoming aware of citizenship responsibilities.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/ OR MATERIALS
5. How do you become a responsible citizen?	Brainstorm a class definition for each: rule; law; custom.	See p. 9, Teacher's Manual
	Discuss school rules vs. responsibilities.	Ask principal to talk to class about how rules are are decided at your school.
	Review with class how laws are passed or changed in your community or in the state legislature	The League of Women Voters is a good resource for current issues.
	Writing activities: (no names necessary; ideas shared with class by teacher) a. Describe a time when you knew that something was "wrong", but were powerless to help make it "right". b. How does it feel to break a rule, law, or custom deliberately? c. How does it feel to ask for something rightfully yours and be silenced by laughter?	

Grade 5

MAJOR FOCUS The Law: Rights and Responsibilities

CONCEPT: Becoming aware of citizenship responsibilities.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
5. (con'td)	d. Write a story about what Rosa Parks did in 1955 in Montgomery, Alabama; and/or tell why you believe she should/should not have been arrested.	Rosa Parks' refusal to give up her seat on a bus in Montgomery to a white passenger caused her arrest. A local law required blacks to sit in the back half of the bus. As the white section toward the front filled up, the driver ordered her to give up her seat. The arrest of Mrs. Parks caused blacks to boycott the buses until blacks received equal treatment as passengers. A leader in this boycott was Martin Luther King Jr.
6. Summarize: Rights and responsibilities of students.	Review the rights in the Bill of Rights. Keep list on chalk or bulletin board for class focus. Read aloud (perhaps a chapter a day): Journey to Topaz, Yoshiko Uchida (Scribner, 1971)	This story deals with the internment of the Japanese during WWII and the impact on an 11 year old and her family. Your class can discuss the concepts of justice and freedom as the story is shared.

Grade 5

MAJOR FOCUS The Law: Rights and R sponsibilities

CONCEPT: Becoming aware of citizenship responsbilities.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND?OR MATERIALS
6. (cont'd)	And/or Read aloud: The Maldonado Miracle, Theodore Taylor. (Doubleday, 1973).	A 12 year old Mexican boy is brought across the border illegally. He is unable to join his father so fends for himself while working in the fields in California. The story depicts the life and fears of some illegal aliens and the issues raised could lead to weeks of discussion.

Grade 5

MAJOR FOCUS - The Law: Rights and Responsbilities

CONCEPT: Learning about juvenile justice system.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
7. What happens if you break the law?	Introduce topic using So I Took It film.	See Film resource, p. 43 for list of questions/activities.
Is shoplifting a crime?	Start a list of law-related terms on a bulletin or chalk board: i.e. juvenile, misdemeanor, detention, etc.	Refer to Teacher's Manual, pp. 99-105.
	Use Bummer Sheet on Shoplifting (p. 89, Teacher's Manual)	Available in quanity from the Safeguard office.
8. Can students help prevent crimes? What responsibilities can students assume in the school neighborhood to make them safer?	Use Mikey's Bicycle Bummers. (See p. 83 Teacher's Manual.	Available in quanity from Safeguard office.
		Ask bike shop or Safeguard person to demonstrate bike security.
	Discuss: "being a good neighbor"	
9. Learning about juvenile justice system in Boulder County.	Review judicial system, federal and state.	See p. 39 and p. 81, Teacher's Manual.
	"Shoplifting", a slide/tape show made in Boulder County	Call Safeguard office to schedule show and resource person.
	Have students role play (see suggestions, p 44).	
	Post "This is You Committing a Crime" after class discussion of kinds of dispositions which happen to juveniles.	Extra copies available from Safeguard office. See Teacher's Manual, pp. 51-53.

Grade 5

MAJOR FOCUS The Law: Rights and Responsibilities

CONCEPT: Learning about the juvenile justice system.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
10. Help students deal with peer pressure decisions that can lead to problems.	Shoplifting Skit "Who's To Know".	See p. 165, Teacher's Manual. Ask a security guard to speak to class about shoplifting.
	Read to class: How I Went Shopping and What I Got, Eleanor Clymer (Hold & Reisbard (1972).	A 12 year old is left to care for a younger sister. Annoyed that her older brother is never expected to do this, the girl allows herself to be pressured by several friends into taking her sister on a shopping trip--and the little girl gets lost. This story is a good basis for discussing peer pressure and conflicts posed by responsbility, and differential treatment of girls boys.
11. Evaluation: Review Learning Outcomes.	Class writes summary of new things they've learned during this unit. Compare student summaries with learning outcomes.	

What are the rights listed in the Bill of Rights?

The Bill of Rights is the first 10 amendments to the United States Constitution. These amendments guarantee each person's own rights. the Bill of Rights is like a list of "don'ts" for Congress because it prohibits the Congress from passing laws which restrict--or take away--any of these rights.

You probably know about freedom of speech and religion. Here is a brief description of the rights found in our Bill of Rights:*

Amendment	
1	Right to assemble and petition Congress (our freedom of religion, press, and public meeting)
2	Right to bear arms (our right to protect ourselves)
3	Right not to have soldiers quartered in one's home in peacetime, except as prescribed by law.
4	Right to be secure against "unreasonable searches and seizures" (protection from search)
* 5	Right in general not to be held to answer criminal charges except upon indictment.
5	Right not to be put twice in jeopardy for the same offense.
5	Right not to be compelled to be a witness against oneself.
5	Right not to be deprived of life, liberty, or property without due process of law.
5	Right to just compensation for private property, taken for public use.

* (These sections of the fifth amendment deal with the right to have a fair trial in court, including the right to remain silent.)

6 Right, in criminal prosecution, to trial by a jury--to be notified of the charges, to be confronted with witnesses, to have compulsory process for calling witnesses, and to have legal counsel (rights of a person charged with a crime)

7 Right to a jury trial in suits at law involving over twenty dollars (the right to have a jury trial)

8 Right not to have excessive bail required, nor excessive fines imposed, nor cruel and unusual punishments inflicted (the right to have bail set, not to have a cruel or strange punishment)

9 If rights are not listed in the Constitution, you still have those rights (all other rights)

10 Rights not given to the United States by the Constitution belong to the States or the people.

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*Adapted from Our American Government, House Document 94-161, p. 2 & 3. 1975.

Of all the rights provided under our laws and legal system, none are as well-known as those contained in the first ten Amendments to the United States Constitution, the Bill of Rights. Below is a list of some of the important rights contained in those Amendments. Indicate in the space next to each right, the Amendment in which it appears. The answer is provided to the first question to help you get on your way.

RIGHT	AMENDMENT
"No person . . . shall be compelled in any criminal case to be a witness against himself . . ."	5
"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ."	
"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury . . ."	
"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."	
"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."	
"No person shall . . . be deprived of life, liberty, or property without due process of law . . ."	
"In all criminal prosecutions, the accused shall . . . be informed of the nature and cause of the accusation . . . and have the assistance of counsel for his defense."	
"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."	

When enacted in 1791, these original Amendments protected us from unwarranted actions by the federal government only. Through court interpretation of the Fourteenth Amendment (passed in 1866), however, most Bill of Rights guarantees now protect you from such state actions. Section I of that Amendment reads in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Needless to say, these rights are neither self-executing nor self-explanatory. For example, while freedom of speech is one of the most precious guarantees provided under our law, few would suggest that it provides citizens the right to say whatever they want at any time, in any place, and in whatever way they please. Moreover, one right frequently collides with other rights—as when the First Amendment's right of a free press in covering a trial may jeopardize an accused person's Sixth Amendment right to a fair trial. The resolution of such conflicts are often left to our courts and its judges. They must interpret these valued rights in the light of statutes, previous court decisions, and the particular circumstances of each individual case.

On the following page are a group of statements relating to some of the significant issues which have come before our courts in recent years. In each case, you should respond to the question in one of five possible ways: strongly agree, agree, not sure, disagree, or strongly disagree. (See next page.)

After you have done this, indicate next to each question some of the reasons you responded the way you did and the rights involved in each situation.

Were some of the issues more difficult than others to answer? Why or why not? Did you need more information before reaching a decision? If so, what information did you need?

How do you think other students responded to this exercise? How would adults respond? Here are some ways to find out:

Exercise No. 1

Divide your class into eight groups, with each group taking one of the eight questions. In your small groups, discuss how each of you responded to your questions and make a master list of the reasons supporting your decisions. Then have each group report back to the entire class on the results of your discussions. Be sure to poll the entire class to see how they responded to each question.

Exercise No. 2

Give the questionnaire to at least three adults (not more than one from your immediate family) and have them complete it. Discuss with them what rights they think are involved and the reasons behind their responses. Also ask them if they would have responded differently if they had been asked these same questions during their youth. If so, why?

Exercise No. 3

Report back to the class on the results of your "field survey." Compare and contrast the adult responses with those of your class. How do you explain the similarities or differences?

Please feel free to reproduce this material by whatever means are available.

Changing Rights Questionnaire

Issues	Your Opinion	Reasons for Your Decision	Rights Involved
1. Evidence secured illegally by law enforcement officials should be admissible in trials.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		
2. Laws favoring minorities should be upheld in order to make up for past discrimination against them in our society.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		
3. Students who are about to be suspended from schools should first be told the reasons for this action and given a chance to give their side of the story.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		
4. Those persons convicted of crimes who cannot afford the assistance of legal counsel for an appeal of the judgment, should be provided a free lawyer by the state.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		
5. Property owners should be able to sell their property to whomever they please.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		
6. If someone's use of freedom of speech stirs people's emotions and promotes confrontation, it should not be protected by the First Amendment.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		
7. Youth should have the same rights and responsibilities that adults have.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		
8. People convicted of similar crimes should be given similar sentences.	☐ Strongly agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly disagree		

A STUDENT GUIDE TO TITLE IX

Written by
Myra Sadker

Cartoons by
Elsa Bailey

Resource Center on Sex Roles in Education
National Foundation for the Improvement of Education
Washington, D.C.

DISCRIMINATION PROHIBITED – No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or be so treated on the basis of sex under most education programs or activities receiving Federal assistance.

U. S. Department of Health, Education, and Welfare

Joseph A. Califano, Jr., Secretary

Office of Education
William F. Pierce, Acting Commissioner

Prepared under Contract 300-75-0256 for the Women's Program Staff,
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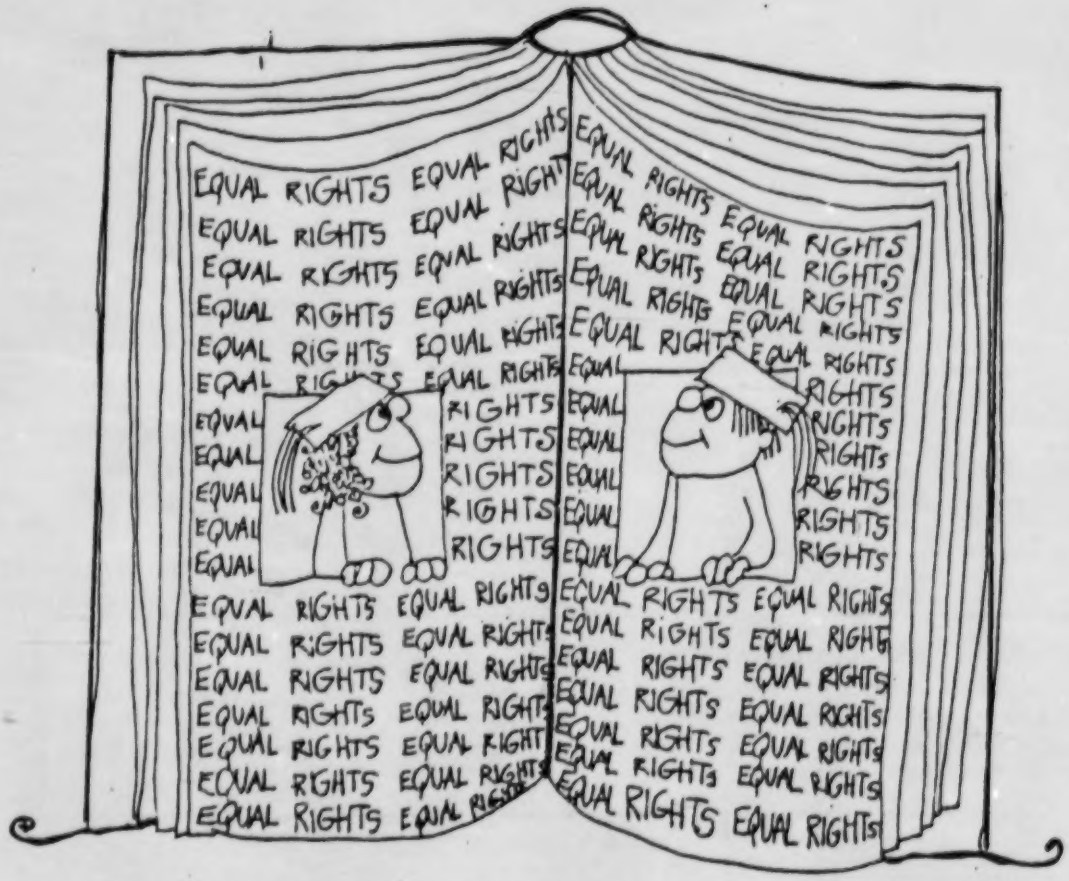

YOU HAVE A RIGHT TO NONSEXIST EDUCATION.

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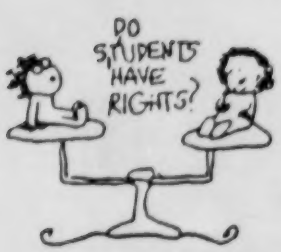
I. DO STUDENTS HAVE RIGHTS?



One of the great concerns of our time is that our young people, disillusioned by our political process, are disengaging from political participation. It is most important that our young people become convinced that our Constitution is a living reality, not a parchment preserved under glass!

–Stanley v. Northeast Independent School District, 462 F. 2nd 960 (5th Circuit 1972)

The purpose of this booklet is to inform you about your rights under Title IX, the law that prohibits your school from discriminating on the basis of sex. But it is also important for you to be aware of some of the other fundamental rights that you have as a student, as well as the responsibilities that go along with these rights. This first section will inform you of your basic freedoms as a student, freedoms guaranteed you by our legal system.

Where Do Your Rights Come From?

When you became a student, you did not give up your citizenship. Students, as well as other citizens, are protected by the first 10 amendments to the Constitution, collectively termed the "Bill of Rights." Under the Bill of Rights and the Constitution, your basic rights, such as freedom of speech and freedom of religion, are assured. Laws passed in your State and by the U.S. Congress are a source of still other rights. And the Supreme Court, in interpreting these laws and the Constitution, may define, extend, or limit your rights. In recent years, the Supreme Court has interpreted the law in such a way that the civil rights of students are firmly established. But unless you are aware of your basic rights, you may not be able to exercise them.

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What's your RQ?

The following brief quiz will help you determine how much you know about your rights. Read each description. Then check the answer you believe to be correct.

1. A student decides to protest the recent school board elections by wearing a button that says "Poor Choice!" She gives daily speeches in the schoolyard after school hours. No classes or activities are disturbed, but hundreds of students join the after-school rallies.

This student is within her rights. ☐
This student is not within her rights. ☐

2. A student who is often in trouble is called to the principal's office. The principal says, "You are a troublemaker. I don't want to see you in school for a week."

The student's rights have been violated. ☐
The student's rights have not been violated. ☐

3. A student objects to the nondenominational prayer recited each day in school. The teacher tells the student that he may stand or sit silently, ignore the prayer, or leave the room. The student refuses and demands that the nondenominational prayer no longer be recited.

The student is within his rights. ☐
The student is not within his rights. ☐

4. A new school policy states that boys may wear their hair long. Neat hair, at shoulder length –but no longer–is now acceptable. Girls may wear their hair as long as they like, as long as it, too, is neat.

This policy violates student rights. ☐
This policy does not violate student rights. ☐

5. Two neighboring schools, Baker High and Cony High, are being desegregated. Baker High is attended by students who are predominantly black. Cony High is attended by students who are predominantly white. Loretta Johnson is a white Cony High student who refuses to be bused to Baker. She wants to remain in her neighborhood school, where she knows many of the students and the teachers.

This student is within her rights. ☐
This student is not within her rights. ☐

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Rights Quotient Answer Sheet

Question 1: The student is acting within her rights.

December 1965: Des Moines, Iowa–Thirteen-year-old Mary Beth Tinker, her 15-year-old brother John, and 16-year-old Christopher Eckhardt decided to demonstrate their opposition to the war in Vietnam. They wore black armbands to school. The students were met in school by the principal, who informed them that they had broken a school rule. He asked them to remove the armbands. They refused. The principal then suspended the students, sent them home, and told them not to return until the armbands were removed.

The parents of the students sued the Des Moines school system. The case reached the U.S. Supreme Court, where a landmark decision for student rights was established. The court ruled that students have the right to freedom of speech as long as they do not disrupt the operation of the school and deny other students the opportunity to learn. The judges decided that, in this case, wearing black armbands did not disrupt school operation.

Your right: You have the right to express your views, orally or symbolically, however unpopular those views might be.

Your responsibility: You may not disrupt the school's operation nor may you take away the rights of another person through slanderous speech.

Question 2: The student's rights have been violated.

1972: Columbus, Ohio–A lunchroom disturbance worried a school official who suspended Dwight Lopez and several other students whom he thought were involved. The students were suspended for ten days. The case was taken to court. The court ruled that when schools suspend a student for ten days or less, they must inform the students of what rule was broken and why school officials believe that the student broke the rule. They must also give the student a chance to tell his or her side of the story.

Your right: School officials cannot suspend you from school without informing you of what school regulation you broke and why they believe you broke it. You must also be given a chance to tell your version of the incident.

Your responsibility: You must follow school regulations.

Question 3: The student is within her rights.

1962: New York–A group of parents went to court to prevent the schools from using an official prayer. Even though students who objected to the prayer were allowed to leave the room, the prayer was found unconstitutional. The court ruled that schools must be neutral toward religious activities, and they must not encourage or discourage student prayer. Schools should not allot time for any kind of religious observance, or even for a moment of silence.

Your right: You may observe any religion you wish, or you may choose to observe no religion. The school has no right to organize religious activities for you.

Your responsibility: You may not interfere with the religious beliefs of others.

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Question 4: This policy violates student rights.

This policy is illegal because boys are required to wear their hair no longer than shoulder length, while girls may wear it as long as they like. Under Title IX, it is illegal to maintain different dress codes for girls and boys. Boys and girls must be treated equally by schools. Your rights and responsibilities under Title IX are discussed in section III of this booklet.

Question 5: The student is not within her rights.

According to the Brown decision of 1954, the Civil Rights Act of 1964, and a variety of related Supreme Court decisions, segregated public schools are unequal and unlawful. This student does not have the right to demand that the school system educate her in an all white school.

Title VI of the 1964 Civil Rights Act prohibits discrimination or segregation on the basis of race. All students, regardless of race or ethnic background, are entitled to an equal educational opportunity.

Your right: You have the right to be educated in a nonsegregated school.

Your responsibility: You cannot interfere with the rights of others to education in a nonsegregated school supported by public funds.

Now check your score on the quiz, and determine your RQ (rights quotient).

Five correct—Winner of the Student Rights Gold Medal.
Four correct—Second place. Not bad (but it could be better). Silver Medal.
Three correct—No awards for only three correct. You are aware of only some of your freedoms.
Two correct—Consider this a warning. You don't know how free you are.
One correct—Lucky guess.
None correct—Not even a lucky guess. Funny thing about your rights. If you don't use them, you can lose them.

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Your Fundamental Responsibility

IT'S YOUR JOB TO REPORT VIOLATIONS.

As you read this booklet, you will learn about the rights you have as a result of Title IX. You will also learn that you have a very basic responsibility to make these rights a living reality in your school.

You may find that your own school sometimes discriminates on the basis of sex. It is your responsibility to inform your school of any violations of your rights. In this way you can work to translate your legal rights into actual practice in the classrooms and offices of your school.

Sometimes this will be very simple. There are many principals, teachers, and parents who believe strongly in the idea of equal opportunity for all students, regardless of race, ethnic group, or sex; they will help you. At other times, you will face an uphill battle. In either case, you will want to discuss any problems with the Title IX coordinator for your school district. By Federal regulation, all school districts must have a Title IX coordinator. This is the man or woman in charge of making certain that your rights under Title IX are really working in your school system. Moreover, your school system also has a grievance procedure. This means, if you have a complaint about sex discrimination in your school, you are entitled to present it and to receive a response. In other words, there are people in your school system right now who are responsible for helping you understand and exercise your rights under Title IX.

It is also your responsibility to let your school know when it is doing a good job in providing fair treatment for all students. Your praise will encourage those people in your school who are concerned about insuring your rights to equal educational opportunity.

Your freedom is in your hands. Your responsibility is to make certain that your freedoms are recognized by your school. If they are not recognized, then you should follow your school procedure and policy in complaining about this violation. If your school system refuses to recognize your rights or if you feel you will not get a fair hearing you should consider filing a complaint with the Federal Government or bringing court action in order to gain your rights.

It is up to each of you to make individual freedom a reality.

USING THE CASE STUDY APPROACH WITH ELEMENTARY STUDENTS

Most students in the elementary grades are not able to deal with the vocabulary in factual statements written for older students. Moreover, elementary students are likely to possess only rudimentary skills in analysis, synthesis, and evaluation, and they are often incapable of reasoning on a high abstract level. Thus, resource people who work in these grades will need to either present the background to them orally or give them greatly simplified fact situations.

The case of John and Mary Beth Tinker (see next page) is one that can be used effectively with elementary students. The outline below contains suggestions for presenting it and for helping students analyze it via the case-study approach.

Case Study Approach--Elementary Process*

1.	Background (facts)	Teacher presents the background of the case to students.
2.	Review of facts	Students identify and review the facts, clarifying the circumstances, terms, and characters in each case. For example, who was John Tinker? Where did the situation take place? What did John Tinker do? What did the principal do?
3.	Investigation of issues	Students determine the issues that are raised in the case. For example, what are the interests of the school administration? What are the interests of the Tinkers? Does the First Amendment apply to wearing armbands? What interests are more important?
4.	Consideration of decision and reasoning	Students examine the facts and issues and decide the case. For example, what do you decide? Why?

*Developed by Faith Haber Galbraith.

John and Mary Beth Tinker decided to wear black armbands to school. The school allowed students to wear symbols like political buttons, but the principal told the Tinkers they would not be allowed in school wearing armbands. They decided to go to school wearing the armbands anyway. Their armbands symbolized their protest of the Vietnam War. Some students just outside of the school got angry at John and Mary Beth for wearing armbands. The principal sent them home and refused to let them come back to school if they wore their armbands.

Should the Tinkers be allowed to wear armbands to school if they wish?

The Tinkers did not say any words of protest. Does the First Amendment apply to wearing armbands? Do you think it should? Why? Why not? Whose rights are in conflict here?

Note to teacher:

ISSUE:

What right should the law hold more important—the right of the Tinkers to express freely their ideas; or the right of the school to protect good order?

INFORMATION:

In Tinker v. Des Moines School District (1969) 393 U.S. 503 the Supreme Court ruled in favor of the Tinkers, since it was an orderly and symbolic expression of free speech.

Justice Fortas said:

"It can hardly be argued that either students or teachers shed their rights to freedom of speech or expression at the schoolhouse gate."

He stated also, "that any conduct by students which materially disrupts or causes a substantial disorder or invasion of the rights of others, is, of course, not protected by the Constitutional guarantees of freedom of expression."

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SUMMARY OF THE REGULATION* FOR TITLE IX EDUCATION AMENDMENTS OF 1972

Title IX of the Education Amendments of 1972 says:
"No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. . . ."

With certain exceptions, the law bars sex discrimination in any academic, extracurricular, research, occupational training or other educational program (preschool to postgraduate) operated by an organization or agency which receives or benefits from federal aid. Exempted from the provisions of Title IX are:

- schools whose primary purpose is training for the U.S. military services or the merchant marine;
- practices in schools controlled by religious organizations whenever compliance with Title IX would be contrary to their religious beliefs;
- the membership policies of the Girl and Boy Scouts, the YMCA and the YWCA, Campfire Girls and other single-sex, tax-exempt "youth service" organizations whose members are chiefly under age 19;
- university-based social fraternities and sororities;
- activities relating to the American Legion's Boys State, Boys Nation, Girls State and Girls Nation conferences;
- father-son or mother-daughter activities, so long as opportunities for "reasonably comparable" activities are offered to students of both sexes;
- scholarships or other aid offered by colleges and universities to participants in single-sex pageants which reward the combination of personal appearance, poise and talent.

Basically, the regulation for Title IX falls into five categories: general matters related to discrimination on the basis of sex, admissions, treatment of students once they are admitted, employment and procedures.

The following summary was adapted by PEER from a summary prepared by the **Resource Center on Sex Roles in Education** of the National Foundation for the Improvement of Education.

GENERAL PROVISIONS — § 86.3 - 86.9

Each recipient of federal education aid must evaluate its current policies and practices to determine whether they comply with Title IX. Each recipient must then take whatever steps are necessary to end discrimination. Institutions must keep a description of these steps on file for three years, and they must have completed the evaluation and steps to overcome the effects of bias by July 21, 1976.

The regulation also requires that recipients adopt and publish grievance procedures to resolve student and employee complaints alleging discrimination prohibited by Title IX. (Victims of discrimination are not required to use these procedures — they may file a complaint directly with the U.S. Department of Health, Education and Welfare.).

Recipients (for example, a school district, state education agency, or university) must appoint at least one employee to coordinate its efforts to comply with Title IX.

The regulation requires recipients to notify students, parents, employees, applicants, unions and professional organizations that they do not discriminate on the basis of sex. Students and employees must be told how to contact the employee coordinating Title IX compliance efforts.

By Oct. 21, 1975, recipients were required to issue this notice in the local press, student and alumni newspapers, and by a letter sent directly to students and employees. After that, all announcements, bulletins, catalogs and applications must contain a notice.

ADMISSIONS — § 86.21 - 86.23

The regulation bars sex discrimination in admissions to certain kinds of institutions: those of vocational, professional, graduate, and public coeducational undergraduate institutions. Admissions to private undergraduate institutions are exempt, including admissions to private, undergraduate professional and vocational schools. HEW will look at the admissions practices of each "administratively separate unit" separately.

Specifically, the regulation bars limitations (i.e., quotas) on the number or proportion of persons of either sex who may be admitted, preference for one sex, ranking applicants separately by sex, and any other form of differential treatment by sex.

*45 CFR Part 86. The text appears in the *Federal Register*, June 4, 1975, page 24128. Copies are available from the Director, Office for Civil Rights, U.S. Department of Health, Education and Welfare, 330 Independence Ave., SW, Rm. 3239, Washington, D.C. 20201.

PEER, the Project on Equal Education Rights, is a project of the NOW Legal Defense and Education Fund. Funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education. 1029 Vermont Avenue, NW, Suite 800, Washington, D.C. 20005. Project Director: Holly Knox. Associate Director: Clelia Steele. Staff: Michael Busch, Ricardo Carbacho, Nancy Dayton, Robin Gordon, Lynda Weston.

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The recipient may not use a test or other criterion for admission which adversely affects any person on the basis of sex unless the test or criterion is shown to predict successful completion of the educational program, and unbiased alternatives are not available. Also prohibited are rules concerning parental, family, or marital status of students which make distinctions based on sex; discrimination because of pregnancy or related conditions; and asking an applicant's marital status. Recipients can ask an applicant's sex if the information is not used to discriminate.

The recipient must make comparable efforts to recruit members of each sex, except when special efforts to recruit members of one sex are needed to remedy the effects of past discrimination.

TREATMENT OF STUDENTS — § 86.31 - 86.42

General Coverage — § 86.31

Although some schools are exempt from coverage with regard to admissions, all schools must treat their admitted students without discrimination on the basis of sex. Briefly, the treatment of students section covers courses and extracurricular activities (including student organizations and competitive athletics), benefits, financial aid, facilities, housing, rules and regulations (including rules of appearance), and research. A student may not be limited in the enjoyment of any right, privilege, advantage or opportunity based on sex.

The regulation forbids a recipient to aid or perpetuate sex discrimination by providing "significant assistance" to any agency, organization or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees (with some exceptions, including the membership policies of social fraternities and sororities, Boy and Girl Scouts, YMCA and YWCA). (Significant assistance may include the provision of a facility or faculty sponsor.)

Housing and Facilities — § 86.32 and 86.33

Institutions may provide housing separately for men and women. However, housing for students of both sexes must be as a whole:

- proportionate in quantity to the number of students of that sex that apply for housing, and
- comparable in quality and cost to the student.

Institutions may not have different housing policies for students of each sex (for example, if a college allows men to live off campus, it must allow women too).

Toilets, locker rooms and shower facilities may be separated on the basis of sex, but these facilities must be comparable for students of both sexes.

Courses and other Educational Activities — § 86.34 and 86.35

Courses or other educational activities may not be provided separately on the basis of sex. An institution may not require or refuse participation in any course by any of its students on that basis. This includes physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

However, sex education is an exception: portions of elementary and secondary school classes dealing with human sexuality may be separated by sex.

In physical education classes, students may be separated by sex *within* coeducational classes when playing contact sports. Contact sports include wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

Recipients must end single sex physical education classes "as expeditiously as possible," but elementary schools had until July 21, 1976, to comply fully. Secondary and post-secondary institutions must comply fully with this requirement by July 21, 1978.

Choruses may be based on vocal range or quality and may result in single-sex or predominantly single-sex choruses.

Local school districts may not, on the basis of sex, exclude any person from:

- any institution of vocational education;
- any other school or educational unit, unless the school district offers that person courses, services and facilities which are comparable to those offered in such schools, following the same policies and admission criteria.

Counseling — § 86.36

A recipient may not discriminate on the basis of sex in counseling or guiding students.

Whenever a school finds that a class has a disproportionate number of students of one sex, it must take whatever action is necessary to assure that sex bias in counseling or testing is not responsible.

A recipient may not use tests or other appraisal and counseling materials which use different materials for each sex or which permit or require different treatment for students of each sex. Exceptions can be made if different materials used for each sex cover the same occupations and they are essential to eliminate sex bias.

Schools must set up their own procedures to make certain that counseling and appraisal materials are not sex-biased. If a test does result in a substantially disproportionate number of students of one sex in a course of study or classification, the school must take action to ensure that bias in the test or its application is not causing the disproportion.

Student Financial Aid — § 86.37 and 86.31(c)

The regulation covers all forms of financial aid to students. Generally, a recipient may not, on the basis of sex:

- provide different amounts or types of assistance, limit eligibility, apply different criteria, or otherwise discriminate;
- assist through solicitation, listing, approval, provision of facilities, or other services any agency, organization or person which offers sex-biased student aid;
- employ students in a way that discriminates against one sex, or provide services to any other organization which does so.

There are exceptions for athletic scholarships and single-sex scholarships established by will or trust.

Athletic scholarships. An institution which awards athletic scholarships must provide "reasonable opportunities" for both sexes, in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for each sex may be offered in connection with separate male/female teams to the extent consistent with both the section on scholarships and the section on athletics (86.41).

Scholarships for study abroad. The regulation exempts discriminatory student assistance for study abroad (such as Rhodes Scholarships), provided that a recipient which administers or helps to administer the scholarship awards makes available similar opportunities for the other sex. (86.31(c)).

Single sex scholarships. An institution may administer or assist in the administration of scholarships and other forms of student financial aid whenever a will, trust, or bequest specifies that the aid can only go to one sex, as long as the overall effect of making sex-restricted awards is not discriminatory.

To ensure this, institutions must:

- select financial aid recipients on the basis of nondiscriminatory criteria, not the availability of sex-restricted scholarships;
- allocate sex-restricted awards to students already selected in such a fashion; and
- ensure that no student is denied an award because of the lack of a sex-restricted scholarship.

Student Health and Insurance Benefits — § 86.39

Student medical, hospital, accident or life insurance benefits, services, or plans may not discriminate on the basis of sex. This would not bar benefits or services which may be used by a different proportion of students of one sex than of the other, including family planning services.

Any school which provides full coverage health services must provide gynecological care.

Marital or Parental Status — § 86.40

The regulation bars any rule concerning a student's actual or potential parental, family, or marital status which makes distinctions based on sex.

A school may not discriminate against any student in its educational program, including any class or extracurricular activity, because of the student's pregnancy, childbirth, false pregnancy, miscarriage, or termination of pregnancy, unless the student requests voluntarily to participate in a different program or activity.

If a school does offer a voluntary, separate education program for pregnant students, the instructional program must be comparable to the regular instructional program.

A school may ask a pregnant student to have her physician certify her ability to stay in the regular education program only if it requires physician's certification for students with other physical or emotional conditions.

Recipients must treat disabilities related to pregnancy the same way as any other temporary disability in any medical or hospital benefit, service, plan or policy which they offer to students. Pregnancy must be treated as justification for a leave of absence for as long as the student's physician considers medically necessary. Following this leave, the student must be reinstated to her original status.

Athletics — § 86.41

General coverage. The regulation says that no person may be subjected to discrimination based on sex in any scholastic, intercollegiate, club or intramural athletics offered by a recipient of federal education aid.

Separate teams and contact sports. Separate teams for each sex are permissible in contact sports or where selection for teams is based on competitive skill. Contact sports include boxing, wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

In *noncontact* sports, whenever a school has a team in a given sport for one sex only, and athletic opportunities for the other sex have been limited, members of both sexes must be allowed to try out for the team.

Equal opportunity. A school must provide equal athletic opportunity for both sexes. In determining whether athletic opportunities are equal, HEW will consider whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes. The Department will also consider (among other factors): facilities, equipment, supplies, game and practice schedules, travel and per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities, and publicity.

Equal expenditures are not required, but HEW "may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex."

Adjustment period. Elementary schools must comply fully with the section covering athletics "as expeditiously as possible" but no later than July 21, 1976. Secondary and post-secondary institutions have until July 21, 1978, to comply fully.

Textbooks — § 86.42

The regulation does not require or abridge the use of particular textbooks or curriculum materials.

EMPLOYMENT — § 86.51 - 86.61

General Provisions — § 86.51 - 86.55

All employees in all institutions are covered, both full-time and part-time, except those in military schools, and those in religious schools to the extent compliance would be inconsistent with the controlling religious tenets.

In general, the regulation prohibits: discrimination based on sex in employment, recruitment, and hiring, whether full-time or part-time, under any education program or activity which receives or benefits from federal financial aid. It also bars an institution from entering into

union, employment agency, or fringe benefit agreements which subject individuals to discrimination.

An institution may not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

The regulation prohibits sex discrimination in all aspects of employment, including employment criteria, advertising and recruitment, hiring and firing, promotion, tenure, pay, job assignments, training, leave, and fringe benefits.

If the institution is found to have practiced sex discrimination in recruitment or hiring, however, it must recruit members of the sex against which it has discriminated to overcome the effects of past discrimination.

Fringe benefits — § 86.56

Fringe benefit plans must provide *either* for equal periodic benefits for male and female employees *or* equal contributions for both sexes. Retirement plans may not establish different retirement ages for employees of each sex.

Marital status and pregnancy — § 86.57

An institution may not apply any employment policy concerning the potential marital, parental or family status of an employee or employment applicant which makes distinctions based on sex.

In addition, it may not have policies based on whether the employee or applicant is head of household or principal wage earner in the family.

An institution may not discriminate in employment on the basis of pregnancy or related conditions. A temporary disability resulting from these conditions must be treated as any other temporary disability for all job-related purposes, including leave, seniority, reinstatement and fringe benefits. If the employer has no temporary disability policy, pregnancy and related conditions must be considered a justification for leave without pay for a "reasonable" time period and the employee reinstated to her original or comparable status when she returns from leave.

Effect of state and local laws — § 86.58 and 86.6

The obligation to comply with this regulation is not precluded by any state or local laws.

ENFORCEMENT PROCESS — § 86.71*

In enforcing Title IX, the U.S. Department of Health, Education and Welfare will follow the procedures of Title VI of the Civil Rights Act of 1964. Under these procedures HEW conducts compliance reviews — broad-based investigations of school districts or universities initiated by HEW.

HEW must also investigate promptly complaints submitted by individuals or groups. Letters charging that discrimination has occurred may be sent to the Director, Office for Civil Rights, U.S. Department of HEW, 330 Independence Avenue, SW, Room 3256N, Washington, D.C. 20201 or to the Director of the Regional Office for Civil Rights responsible for enforcement in that state.

The Title IX procedures require educational institutions to keep records demonstrating whether they are complying with the law's requirements. Records must be available to HEW upon request.

Discrimination complaints must be filed with HEW within 180 days of the date of discrimination. If after this investigation, HEW finds that discrimination exists, it must try to achieve voluntary compliance by the institution. Failing this, HEW may then begin administrative hearings which could lead to termination of federal financial assistance.

HEW can also refer the matter to the Department of Justice for possible federal prosecution or to state or local authorities for action under state or local laws. Under the provisions for administrative hearings, recipient institutions (but not the complainant) are granted the right to counsel and the right to appeal.

*The full text of these procedures appears at 45 CFR §§ 80.6 - 80.11 and 45 CFR Part 81. See also PL 94-482, § 407.

Reprints of this Title IX Summary may be requested from PEER. Single copies and small orders, free; bulk orders, $5 per 100 (prepaid if possible). Make check or money order payable to NOW LDEF-PEER. An order form for other PEER materials is also available. Write PEER, 1029 Vermont Ave., NW, Washington, D.C. 20005.

Peer

FILM RESOURCES FOR FIFTH GRADE

You can arrange for films and a resource person by calling the Safeguard offices: 441-3730; 772-0331.

Please indicate alternative times and schedule at least two weeks in advance.

So I Took It 16 mm. 10 minutes

Sally, a pre-teen, gets caught up in the snowballing experience of shoplifting. Peer pressure from her friend, Glenda, convinces her "not to be a baby" and she steals a tiny coin purse. Eventually, Sally involves her younger brother in shoplifting, and both are taken to the police station.

Actual store security devices are shown. The film deals with the consequences of shoplifting, particularly the effect on family members.

Shoplifting a Slide/Tape Show 10 minutes

This show was made in Boulder County to illustrate what happens when juveniles commit this crime and are taken into custody. Local police, a deputy district attorney, and the probation office deal with the juveniles.

FOLLOW UP ACTIVITIES 5TH GRADE FILMS

These activities are suggestions which you can adapt to your individual program and student needs.

So I Took It

Before film discussion:

1. What does consequence mean?

2. Can anyone define "peer pressure"? Discuss how peer pressure can influence a decision.

3. What makes a friend?
4. Do you think friends ever influence your decisions? Think about it individually.

Following film:

1. Why did Glenda and Sally shoplift?

2. How did Sally feel after taking the purse?

3. Do you think Sally was rich or poor? List examples on board, i.e. nice house, her own phone.

4. What do you think happened to Glenda after she was arrested?

5. What would you do if Sally were your daughter?

6. List the consequences of shoplifting (lying, breaking family trust, police record, changes in brother/sister, parent/child relationship, guilt, embarrassment, loss of friends,etc.

Role play

1. Convince a friend to shoplift.

2. Say "no" to a group (2 or 3 others) who want you to steal something with them.

3. a. Have 2 students discuss their dilemma while waiting for their parents' arrival at the juvenile detention center.
b. Have parents arrive for conference with police and the two students who have been arrested for shoplifting.

Optional:

Use Shoplifting Bummer Sheet (p. 89 Teacher's Manual)

Enlarge several of students ideas and use for posters in class area, library, or cafeteria.

SIXTH GRADE

BASIC CONCEPT: JUSTICE

St. Vrain Schools
Learning Outcomes

Grade 6

Studying how people have developed and enforced rules and made decisions so that they can live together in an orderly way.

Continuing to develop group skills to practice working together constructively.

Preparing for adolescence, self-awareness: which decisions are best made as a group and which are better made as an individual.

Focusing on responsibilities to self and others.

Understanding the Juvenile Justice System.

Boulder Valley Schools
Learning outcomes

Grade 6

Know, practice, and respect rights, freedoms, and responsibilities in school and community.

Gain insight into her/his own belief and values and their relationships with behavior.

Gain additional understanding about Juvenile Justice System and the law.

Learn vocabulary of law-related terms.

GRADE 6 MAJOR FOCUS Understanding the law: Rights and Responsibilities of the Juvenile

CONCEPT: Becoming aware of dilemmas in decision making.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
1. How do you decide what to do?	Show film, Joy Ride	Call Safeguard to schedule.
What can influence your decision?	Have students write down their feelings about this film. Ask them to list 5 decisions Val and Randall had to make that decided the tragic ending. Relate the film to actual incidents that have happened in Boulder County.	See p. 77 for annotations and questions.
2. Joy riding vs. vandalism.	Help class define both words.	(Joy riding - taking a car for a drive without permission but with the intention of returning it.)
	Use "How Serious is an Act of Vandalism". This is an opportunity for individual students to make judgments about the seriousness of acts of vandalism.	See p. 61

GRADE 6 MAJOR FOCUS Understanding the law: Rights and Responsibilities of the Juvenile

CONCEPT: Becoming aware of dilemmas in decision making.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
How important was the act itself?	Have students tell why they ranked each act act as they did.	
What was the reason for the act?	Rank order on the basis of class totals.	
How should vandals be treated?	Have class discussion or individual writing assignment summarize how decision making based on knowledge can avoid spur of the moment acts that could lead to criminal activity.	See pp.107-13, Teacher's Manual for skill builders. Skit "Just for Kicks", p. 161 Teacher's Manual.
3. Explore the legal issues in doing what's right.	Show sound filmstrip What's Right - Part II.	Call Safeguard office to schedule.
	Review "Using Dilemmas with 6th Grade" p. 63.	See p. 78 for annotation; p.79 for activities using dilemmas.
	Use "What do You Think about Stealing?" Small group discussion can follow individual rating.	p. 65

GRADE 6 MAJOR FOCUS Understanding the law: Rights and Responsibilities of the Juvenile

CONCEPT: Understanding the Juvenile Justice System.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
4. The Juvenile Justice System	Explain some differences between adult and juvenile justice systems.	An excellent reference is Criminal Justice, Scholastic Book Services, Living Law Program, 1978. See Chap. 12 p. 148 See Teacher's Manual p.116.
Understanding the Gault case.	Read aloud to students "In Re Gault: Statement of Facts" Ask class to discuss "fairness" in this case. Read "Relevant Points of Law" and Supreme Court Summary of Decision Evaluation: Students should be able to recognize and explain at least three of the rights provided to juveniles by the Gault case.	Reprinted on p. 67-69. p. 70 p. 71
Should there be different systems for adults and juveniles?	Organize class debate.	Invite law student to help students research topic.

GRADE 6 MAJOR FOCUS Understanding the law: Rights and Responsibilities of the Juvenile

CONCEPT: Understanding the Juvenile Justice System.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
5. How the juvenile justice system works in Boulder County.	Introduce vocabulary: misdemeanor — felony juvenile — delinquent probation — restitution detention	See Teacher's Manual p. 9 and p. 122
	Show juvenile justice slide show.	Call Safeguard office to schedule slide show and resource person.
6. Reinforcing law-related terms	Review with class the This Is You and flow charts showing the kinds of dispositions made in juvenile delinquent cases.	See p. 51 Teacher's Manual See p. 41 and 43.
7. Learning about pro-se courts	Use the pro-se court simulations as an introduction to court room procedures.	See p. 133 -140, Teacher's Manual for directions and case studies.
8. Learning about the courts and how a trial is conducted.	Teacher selection of activities.	See p. 115-125, Teacher's Manual. Read "Rationale for Mock Trial Skits", p. 75

GRADE 6 MAJOR FOCUS Understanding the law: Rights and Responsibilities of the Juvenile

CONCEPT: Understanding the Juvenile Justice System.

SUGGESTED CONTENT	SUGGESTED ACTIVITIES	RESOURCE PERSONS AND/OR MATERIALS
9. Presenting a mock trial skit.	See p. 171 and p. 185 in Teachers Manual for skits on Vandalism and Shoplifting Courtroom setup is on pp. 77-79 of Teachers Manual. Use illustrations on pp. 57-73 to help students understand how a jury trial is conducted.	Call Safeguard office for assistance. Courtrooms can be scheduled for mock trial skits (6th graders only). See p. 81 for community judicial resources.
10. Observing court	Visit a "real" courtroom. Have students summarize unit learning by writing an "open letter" to the newspaper: a) When people in Boulder County are arrested. b) I think kids in Boulder County need.... c) There should not be special courts for juveniles because.... d) "student choice"	Call Safeguard to schedule time.
11. Evaluation	Review learning outcomes with class. Discuss together what kinds of learning individuals/class have gained.	

HOW SERIOUS IS AN ACT OF VANDALISM?

Vandalism: The willful and malicious destruction, injury, disfigurement, or defacement of property without consent of the owner or person having custody or control.

Circle the number that represents your feelings about the seriousness of each act of vandalism.

1 = not very serious 7 = very serious

1. Six boys spray the animal runs of a Veterinarian Clinic with a fire extinguisher.

   1 2 3 4 5 6 7

2. A street sign reading 30 mph is altered to read 80 mph.

   1 2 3 4 5 6 7

3. "Graffiti" covers the restroom walls of your school.

   1 2 3 4 5 6 7

4. While celebrating a close victory, football fans throw rocks and cans through many windows of downtown stores.

   1 2 3 4 5 6 7

5. Someone has climbed the third Flatiron in Boulder and painted a giant CU on the mountain.

   1 2 3 4 5 6 7

6. Several youths set fire to an open field along the Diagonal Highway and then call the fire department to see how long it takes for the fire trucks to arrive.

   1 2 3 4 5 6 7

7. On Halloween, two girls splatter several homes with eggs.

   1 2 3 4 5 6 7

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USING DILEMMAS WITH SIXTH GRADE *

Legal Issues.

What's Right:

Part 2 - Shoplifting

Part 1 - Car accident

Suggested Vocabulary Words:

dilemma

alternatives

protagonist

consequences

1. Have students describe what's happened. What is the dilemma? What alternatives does Sharon have?

2. Break into small groups and discuss alternatives. Share reasons for this position.

3. Consider role switch in order that students see situations from another's point of view. In Part 2, would store owner want her to lie? In Part 1, Car Incident - discuss losing license and other privileges, father's trust, etc.

4. Discuss situation of consequences. Part 1 filmstrip lends itself to role playing a number of situations, i.e., Should you "rat" on a friend?

5. Use "What Do You Thing About Stealing" worksheet (p.) as an individual and/or small group reinforcement for learning about moral dilemmas.

*See page 157 of Teacher's Manual, "Guidelines for Using Dilemmas".

WHAT DO YOU THINK ABOUT STEALING?

Below you will find five statements about stealing. Each statement is followed by three choices: Agree, Disagree, or Can't decide. Circle one of these choices for each statement. Then, in a sentence or two, give the main reason why you answered as you did.

1. It's worse to steal a lot than to steal a little.
   Agree Disagree Can't decide

Reason: _____

_____

_____

_____

2. It's worse to steal something that you don't really need than to steal something you need a lot.
   Agree Disagree Can't decide

Reason: _____

_____

_____

_____

3. It's worse to steal from a small corner grocery store than to steal from a big supermarket.
   Agree Disagree Can't decide

Reason: _____

_____

_____

_____

4. It's worse to steal from a friend than to steal from a stranger.
   Agree Disagree Can't decide

Reason: _____

_____

_____

_____

5. It's worse to steal from a member of your family than from a friend.
   Agree Disagree Can't decide

Reason: _____

_____

_____

_____

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Values in a Democracy
LEGAL ISSUES: WHAT'S RIGHT?
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IN RE GAULT: STATEMENT OF FACTS

Gerald Gault was 15 years old. He was on probation for having been with another boy who had stolen a wallet from a lady's purse. On Monday, June 8, 1964, at about 10 a.m., Gerald and a friend, Ronald Lewis, were arrested by the sheriff of Gila County, Arizona, and taken to the Gila County Children's Detention Home. The boys were accused of calling a neighbor, a Mrs. Cook, and of making insulting and obscene remarks to her on the telephone. Mrs. Cook was shocked by what the boys said to her, and she called the sheriff, who traced the phone call to Gerald and Ronald. Soon after the boys were taken to the detention home, a probation officer, Mr. Flagg, questioned the boys, and they admitted making the telephone calls. Each boy blamed the other.

Gerald's mother and father were both at work on the morning that Gerald was arrested. The sheriff did not leave a notice telling them that Gerald was being held in the Children's Detention Home, nor did anyone from the sheriff's office call his parents. When his mother arrived home at about 6 p.m., Gerald was not there. She sent his older brother to look for him at the trailer home of the Lewis family. There the brother learned that Gerald had been arrested, and he went home and told his mother. The two of them went to the detention home, where Probation Officer Flagg, who was also superintendent of the detention home, told Mrs. Gault why Gerald was there and said that there would be a hearing in juvenile court the following afternoon.

During questioning, Gerald admitted to Officer Flagg that he had made other nuisance phone calls in the past which, according to him, were "silly calls or funny calls, or something like that." There was also evidence that Gerald might have broken some laws in the past. Two years earlier someone had said Gerald had stolen a baseball glove from another boy and lied about it to the police department. However, there had not been enough evidence to arrest him or to have a hearing.

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The next day Officer Flagg reported to Judge McGee of juvenile court that Gerald was under 18 years of age and a juvenile delinquent. He asked the judge to order that Gerald be taken from his parents and placed in the Children's Detention Home. According to the law in Arizona, a juvenile delinquent is a child who:

a. Has broken a law.

b. Is continually disobedient and not controlled by his parents, guardians, or custodians.

c. Is continually absent from school or home.

d. Continually behaves in such a way that he harms the morals or health of himself and/or others.

On the afternoon of the hearing, Gerald, his mother, his older brother, Officer Flagg, and another probation officer met with the juvenile judge. Gerald's father was out of the city on business and did not attend the hearing. Mrs. Cook, the woman who had complained about the boys' phone call, was not there either. No one was asked to swear to tell the truth at this hearing, and no record was made of what was said. The only way we know what happened at this hearing was from what Judge McGee, Mrs. Gault, and Officer Flagg said at another hearing two months later. The four agreed on some things that happened at the first hearing and disagreed on others. They agreed that at the first hearing the judge asked Gerald questions about the telephone call. They disagreed about what Gerald said. His mother recalled that Gerald said he had only dialed Mrs. Cook's number and handed the telephone to his friend Ronald. Officer Flagg remembered that Gerald had admitted making one insulting remark. They all agreed that Mrs. Gault had asked the judge if he was going to send Gerald to the detention home, and the judge answered that he would "think about it."

After the first hearing, Gerald was taken back to the detention home. Two or three days later, Gerald was driven home. No one explained why he was kept in the detention home or why he was driven home after two or three days.

On the day Gerald was driven home, his mother received a note signed by Officer Flagg. It was on plain paper and not official stationery. It said: "Mrs. Gault, Judge McGee has set Monday, June 15, 1964, at 11:00 for further hearings on Gerald's delinquency."

On June 15 Gerald and his father and mother, Ronald Lewis and his father and mother, and Officers Flagg and Henderson were in court before Judge McGee. Again no one was asked to swear to tell the truth and no record was made of the hearing. People at the hearing disagreed later when they tried to tell what happened. Mr. and Mrs. Gault remembered that Gerald again said that he had only dialed the number and that Ronald had made the insulting remarks. Officer Flagg agreed at this time that Gerald did not admit making the remarks. But Judge McGee remembered that there had been admission of some of the insulting remarks but no admission of the more-serious remarks.

Again Mrs. Cook, the woman who had complained about the phone calls, was not at the hearing. Mrs. Gault said that Mrs. Cook should have come to the hearing, but the judge said that she did not have to be there. The judge had never spoken or communicated with Mrs. Cook at any time. Probation Officer Flagg had talked to her once over the telephone on June 9.

At this second hearing, the probation officer handed a report to the judge that was not given to Gerald or his parents. This report said that Gerald was guilty of making insulting phone calls. The judge declared that Gerald had broken a section of the Arizona criminal law which said that a person who "in the presence of or hearing of any woman or child . . . uses vulgar, abusive, or obscene language, is guilty of a misdemeanor." The judge ordered Gerald to be placed in the State Industrial School as a juvenile delinquent until he was 21 years old unless he was discharged sooner by "due process of law."

If Gerald had been over 18 years of age and tried in a regular criminal court under Arizona law, the maximum penalty for making "vulgar, abusive, or obscene" calls would have been a $5 to $50 fine or not more than two months' imprisonment.

While Gerald was at the Industrial School, his parents filed a petition for his release, and the case eventually came before the U.S. Supreme Court. Gault's lawyer argued that that Arizona's juvenile code violated the due-process provisions of the Fourteenth Amendment. Arizona attorneys argued that the whole idea of informal proceedings under the juvenile court system would be undermined if the court extended all the specific Bill of Rights guarantees to young offenders.

RELEVANT POINTS OF LAW

CONSTITUTIONAL Law

No members of the United States Government can arrest a person without having a good reason to do so. Whenever possible, a police officer must give reasons for wanting to arrest a person to a judge and have the judge give permission to make the arrest. (Article IV, Bill of Rights)

All people accused of a crime have the right to have a lawyer help defend them. (Article VI, Bill of Rights)

No member of the United States Government can force a person who is suspected of a crime to give evidence against himself/herself. (Article V, Bill of Rights)

No member of the United States Government can take away a person's liberty without giving him/her a fair hearing. (Article V, Bill of Rights)

In all criminal trials, the accused person has the right:

1. To a speedy public trial by a fair jury in the state and district where the crime has been committed.
2. To be told of what he/she is accused.
3. To have the witnesses who have spoken against him/her appear in court.
4. To have the right to compel witnesses in his/her favor to appear in court.
5. To have the help of lawyer for his/her defense. (Article VI, Bill of Rights)

Members of state, county, or city government cannot:

1. Make or enforce any laws which unreasonably limit the rights of citizens of the United States.
2. Have persons punished or take away their liberty or property without first giving them a fair hearing in a court of law.
3. Pass or enforce laws that unfairly discriminate against citizens living in their community or state. (Article 14, Amendments to the Constitution)

ARIZONA Law

Any person who in the presence or hearing of any woman or child uses vulgar, abusive, or obscene language, is guilty of a misdemeanor. An adult convicted of this crime can be fined from five to fifty dollars, or put in prison for not more than two months.

In summary, the Court majority had rules that a juvenile charged with delinquency has the following rights:

1. Juveniles and their parents must be given written notice of the specific charges against them as soon as possible and with enough time before the hearing to get ready for it.

2. Juveniles and their parents must be told before the hearing that the accused has a right to a lawyer, and if they can't afford one that the Court will appoint a lawyer to represent him/her.

3. A juvenile does not have to make any statement or testify if she/he doesn't want to, and the Court must tell him/her that the individual has the right to remain silent.

4. If a juvenile doesn't confess, the Court has to have evidence from sworn witnesses, and the juvenile's lawyer can confront and examine these witnesses.

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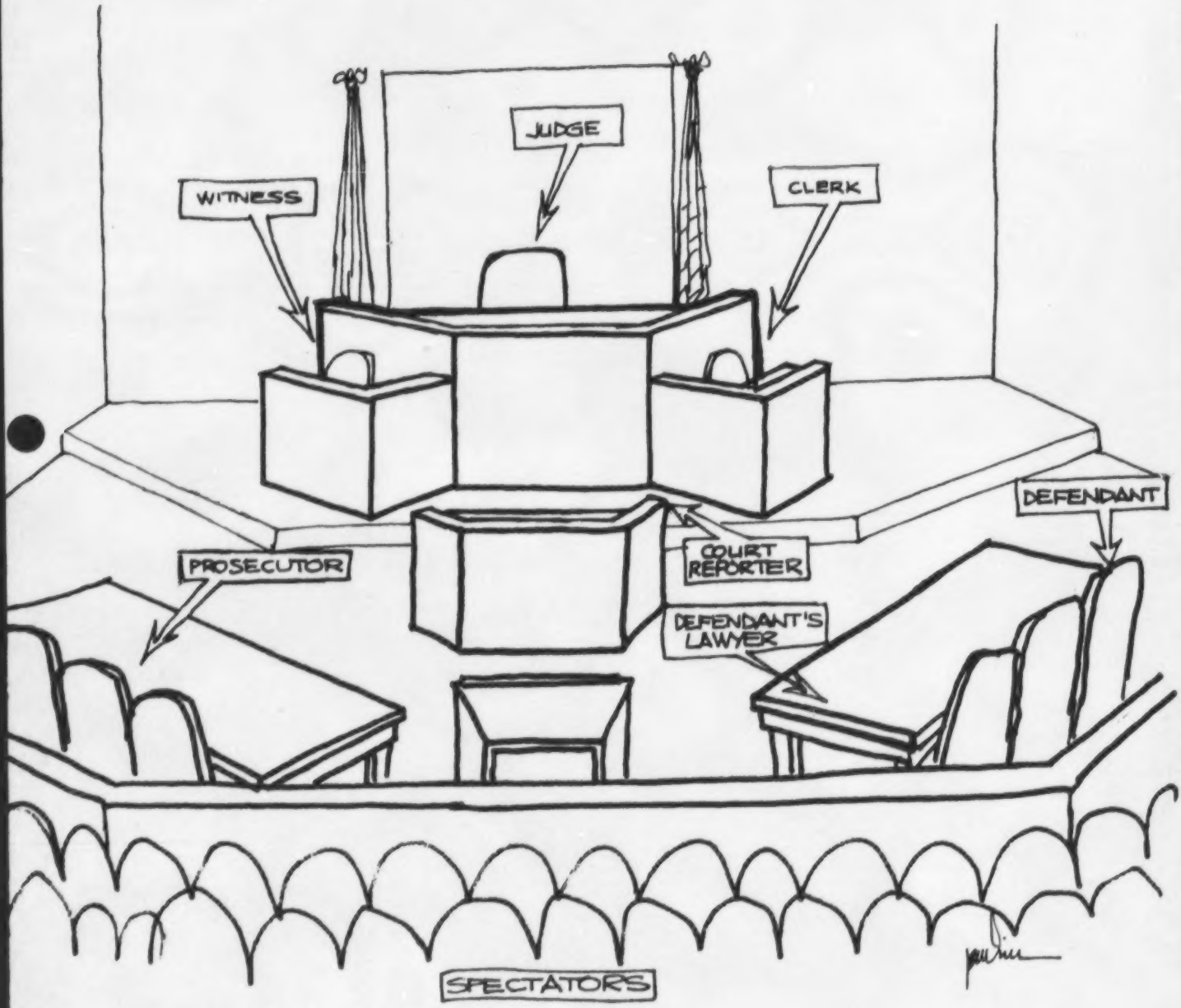
JUVENILE COURTROOM
BOULDER COUNTY JUSTICE CENTER



SIXTH GRADE

"Rationale for Mock Trial skits"*

Mock trials are more than fun, however; they're first and foremost invaluable learning experiences. Participation in and analysis of mock trials provides students with an insider's perspective from which to learn about courtroom procedures. Mock trials help students gain a basic understanding of the legal mechanism through which society chooses to resolve many of its disputes. And while obtaining this knowledge, students develop useful questioning, critical thinking, and oral advocacy skills, as well as significant insight into the area of law in question.

Participation in mock trials can help students better understand the roles which the various actors play in the justice system, including the difficult conflicts those persons must resolve daily in performing their jobs. On a more complex level, it is an excellent vehicle for the study of fundamental law-related concepts such as authority and fairness

Please refer to your Teacher's Manual, "Using a Mock Trial with Elementary Students", pp. 127-131; and pp. 75-77 for courtroom arrangement.

*"The Mock Trial from Classroom to Courtroom", Ed O'Briam and Lee Arbetman; Update, Winter, 1978.

SIXTH GRADE

Sixth Grade media resources available: call Safeguard 441-3730 for scheduling film and resource person.

I. Decision Making and Peer Pressure

JOY RIDE: AN AUTO THEFT 13 min. 16 mm color.

A non-narrated film based on a real event. Two young boys happen on a friend's car and decide to try it out. They take turns driving, test the car's responses--how fast will it go from a dead stop to 60?--and convince two girls to join them. The foursome parks the car by the side of the road and clambers down through the underbrush to an old wreck the boys had discovered earlier. All four pile into the front seat and play at driving at break-neck speeds and feigning excitement and fright.

Soon they discover that they have played too long--the car must be returned or the owner will discover it is missing. They pull out in a flurry of dust and squealing tires. A police car takes up pursuit, but instead of stopping, the driver tries to outrun it. The terror-striken riders plead with him to stop, but he loses control and plows into an embankment. We are shown a flashback to the four in their make-believe high-speed ride in the old wreck. This time it is not make-believe. The film closes with the note that three were killed; one of the girls was permanently paralyzed. This gripping film makes its points without preaching.

Suggested questions before viewing:

1. What kinds of things can influence a decision?
2. How do you decide to do something? How do friends influence each other's decisions?
3. What is peer pressure?
4. Define consequences?

Follow-up questions:

1. What are some consequences of Val and Tim's decision to borrow Randall's car?

2. How did the boys influence each other's decisions?

3. Who was responsible for the accident?

4. Does joy riding ever happen in Boulder County? Explain.

Follow-up assignment:

Check newspapers for incidents involving joy riding.

II. Moral Dilemmas

See page 157 for explanation on teaching moral dilemmas, Teacher's Manual.

LEGAL ISSUES: WHAT'S RIGHT Part II. 1976.

Values in Democracy series. 2 sound filmstrips, 5-7 minutes each. Teacher's guide and spirit masters for student work sheets provided. Grades 9-12. Two filmstrips focus on real problems areas--cars and shoplifting. In one, a boy hits another car in a parking lot. Should he report it or drive away? In the other, a girl is detained after her friend has stolen a blouse from a boutique. She is asked to identify her friend or "be considered an accomplice." What should she do? The "right solution" is not presented, and student discussion is encouraged.

Suggested questions before viewing:

1. What is shoplifting? How is it done?

2. What do you think store managers feel about shoplifting?

Follow-up questions:

1. How can you stop a friend from taking something?

2. What would you do if you are with friends and they take something?

3. Should the shop manager have detained the girl who actually hadn't taken anything?

4. Who should pay for the shoplifting?

Activities:

1. Bring in articles from magazine or newspaper on shoplifting.

2. Conduct interviews with students and parents "Why do people shoplift?"

3. Design and conduct a survey of merchants in a shopping center concerning shoplifting. How is it handled?

4. If time allows, use filmstrip Part I regarding car accident in parking lot. This filmstrip presents another situation for student discussion of problem solving for "What's Right."

Creative Writing:

1. Tell how you would feel as a juvenile going through booking (arrest, fingerprinting, search, detention, phoning parents).

2. Pretend you are a merchant who just caught a child taking something from your store. Tell what you would do and how you would feel.

3. You are in a courtroom watching your friend's trial for shoplifting at Penney's. What are your feelings about the situation?

III. JUVENILE JUSTICE SLIDE SHOW

Annotation: This slide tape show was made in Boulder County. It is designed to illustrate exactly what happens in Boulder County to a juvenile offender. The ten (10) minute show follows two young people through the act of committing a crime (a motorcycle theft), getting caught and arrested, being taken to the police station, being booked, charged, etc., and going to court. The purpose of the program is to show young people realistically what happens in the Boulder County Juvenile Justice System.

COMMUNITY JUDICIAL RESOURCES

5th and 6th Grades

I. Tours

A. Justice Center 6th & Canyon Boulder

This is a walking tour around the center and includes courtrooms and some departments. For reasons of security and privacy, students are not allowed to visit the adult jail nor the juvenile detention center. Tour is approximately 30 minutes.

B. Civic Center 3rd & Kimbark Longmont

A walking tour of Longmont city government. Included in the civil center: Longmont Police Department, City Manager's Office, Municipal Courtroom, City Council Chambers.

II. Observing Court in Session Recommended for not more than 30 students at a time. (Since court dockets often change at the last moment, it is not possible to guarantee what trial will be in progress.)

A. Boulder Justice Center 6th & Canyon

Municipal, County, and District court is held Monday to Friday. Arraignments are held every day at 2:00 p.m. Arraignments are the first appearance of persons before a judge, usually persons arrested in the 24 hours preceding the hearing. Call 441-3730, Safeguard office, regarding docket schedules.

B. Boulder County Court 505 Fourth Ave. Longmont

County court is held every Tuesday, Wednesday, and Thursday in Longmont. Contact Lucy Topczewski, county court clerk, to attend court hearings and/or for information about docket schedules. Call 772-5328.

C. Longmont Municipal Court Third & Kimbark Longmont

Municipal Court is held Wednesday, Thursday, and Friday

in Longmont. Contact Kathy Reeves, 776-6050, ext.286, court clerk, to attend court hearings and/or for information about docket schedules.

D. Broomfield Municipal Court 6 Garden Center Broomfield

Municipal Court is held every Wednesday from 1:00 to 5:00 p.m. Contact Mrs. Hayden, 469-3301, ext.40, for scheduling information.

III. Courtrooms for Mock Trial Skits: For Sixth Grade Only

Courtrooms at the Boulder Justice Center can be reserved during the noon hours (12:30 to 1:45 p.m. daily) if scheduled in advance. For reservations, call the Safeguard office, 441-3730 (Longmont, call 772-8110, ext. 3730.)

The Safeguard staff can also arrange for resource people, judges, deputy district attorneys, investigators, court clerks, court reporters, or others to speak to classes.

It is possible also to reserve the municipal or county courtrooms in Longmont during the days that they are not in use. Call the Safeguard office, 772-0331,for scheduling courtrooms and arranging speakers.